

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-X

FRED M. SANOZKY,

Plaintiff,
-against-

AMERICAN AIRLINES, INC., and
TWA AIRLINES, LLC,

Defendants,

-X
MEMORANDUM & ORDER
05-CV-5652 (ERK)

Korman, J.

I adopt the recommendation of the United States magistrate judge in full. I add these brief words regarding plaintiff's cause of action for payment of his worker's compensation claims. While the defendants make a persuasive argument for dismissal, this is an unusual case in which the plaintiff's right to recover is based on the arguably ambiguous terms of an agreement to which he was not a party. Under these circumstances, the United States magistrate judge's reluctance to recommend a dismissal is understandable. This is a case where, at an appropriate time, the dispositional vehicle may be a motion for summary judgment, although given the amount of money at issue here, the United States magistrate judge should explore the possibility of settlement with the parties.

SO ORDERED:

Brooklyn, New York
December 11, 2007

Edward R. Korman

Edward R. Korman
United States District Judge